



House of Representatives

General Assembly

File No. 526

January Session, 2003

Substitute House Bill No. 6391

House of Representatives, April 24, 2003

The Committee on Education reported through REP. GIANNAROS of the 21st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SPECIAL EDUCATION SERVICES FOR CHILDREN IN THE JUVENILE JUSTICE SYSTEM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-134 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 Prior to the disposition of the case of any child convicted of a
4 delinquent act, investigation shall be made of the facts as [herein]
5 specified in this section by the probation officer, and until such
6 investigation has been completed and the results thereof placed before
7 the judge, no disposition of the child's case shall be made. Such
8 investigation shall consist of an examination of the parentage and
9 surroundings of the child [, his] and the child's age, habits and history,
10 and shall include also an inquiry into the home conditions, habits and
11 character of [his] the child's parents or guardians. Such investigation
12 shall include an inquiry into the circumstances of the offense, the
13 attitude of the complainant or victim, the criminal record, the present

14 condition of the child and any damages suffered by the victim
15 including medical expenses, loss of earnings and property loss. [Where
16 a] If the child is or legally should be in attendance at school, [it] such
17 investigation shall further contain a report of the child's school
18 attendance, adjustment and behavior, the child's individualized
19 education program if the child has been identified pursuant to sections
20 10-76a to 10-76gg, inclusive, as requiring special education and related
21 services and any recommendations from school officials on conditions
22 of probation if the child is placed on probation pursuant to section 46b-
23 140, which shall be furnished by the school officials to the court upon
24 its request. The court shall, when it is found necessary to the
25 disposition, cause a complete physical or mental examination, or both,
26 to be made of the child by persons professionally qualified to do so.
27 Such examination may include testing to determine whether the child
28 is alcohol-dependent or drug-dependent as defined in section 46b-120.
29 [Where] If the court causes a complete physical or mental examination,
30 or both, to be made of a child whose parents, guardian or custodian is
31 found able to pay in whole or in part the cost thereof, it shall assess as
32 costs against such parents, guardian or custodian, including any
33 agency vested with the legal custody of the child, the expense so
34 incurred and paid for by the court in having such examination
35 performed, to the extent of their financial ability to do so. Prior to the
36 disposition of the case of any child convicted of a delinquent act, the
37 court may cause a complete diagnostic examination to be made, unless
38 such information is otherwise available. Such information shall include
39 physical and psychological diagnoses and may include medical,
40 psychiatric, neurological, learning disability diagnoses and such other
41 diagnoses as the court deems necessary. If such child is committed to
42 the Department of Children and Families, such information shall be
43 shared with the Department of Children and Families.

This act shall take effect as follows:	
Section 1	October 1, 2003

JUD

Joint Favorable C/R

ED

ED

Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Local and Regional School Districts	None	None	None

Explanation

The bill requires juvenile probation officers to include a child's individualized education program (IEP), should one exist, in their report to the judge prior to disposition of a delinquency case. The Judicial Department would experience a workload increase under the bill that could be handled without additional appropriations. The applying of any necessary paperwork concerning a child's IEP by local and regional school districts can be accommodated within local resources.

OLR Bill Analysis

sHB 6391

***AN ACT CONCERNING SPECIAL EDUCATION SERVICES FOR
CHILDREN IN THE JUVENILE JUSTICE SYSTEM***

SUMMARY:

This bill requires juvenile probation officers to tell the court about the special education and related service needs of a delinquent child before the court sentences him. This information must be included in their pre-sentence investigation report, which currently contains information about the child and his family; circumstances of the offense and damages caused; prior offenses; and school attendance, behavior, and adjustment.

EFFECTIVE DATE: October 1, 2003

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Change of Reference

Yea 31 Nay 7

Education Committee

Joint Favorable Substitute

Yea 25 Nay 0